

REMARKS

This is in response to the Office Action dated June 16, 2004. Claims 1-15 are pending.

Applicant notes with appreciation the Examiner's allowance of claims 1-8. No art rejection has been made with respect to any pending claim.

Claim 9 stands rejected under 35 U.S.C. Section 112, second paragraph. The Examiner appears to contend that claim 9 is unclear due to the use of both "comprised" and "consisting essentially of" in the same claim (no art rejection has been made as to any claim). This Section 112 rejection is respectfully traversed for at least the following reasons.

The phrases "comprising" (or "comprised") and "consisting essentially of" have well established meanings under U.S. law. "Comprising" is an open-ended term, whereas "consisting essentially of" is a partially closed term. The use of "comprised" (first two occurrences) is used to describe that each of the first and second gases include at least oxygen. Then, the phrase "consisting essentially of" is used to require that either one or both of the first and second gases consists essentially of oxygen. The further narrowing of one or both of the first and second gases later in the claim through the use of the phrase "consisting essentially of" is entirely proper and is not vague in any way. The claim is clear and definite.

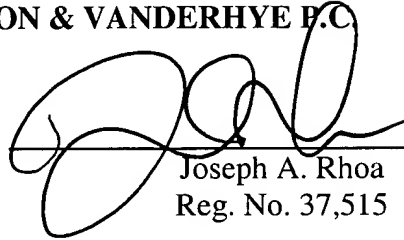
For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

HIROHAMA et al
Appl. No. 09/988,221
September 10, 2004

Respectfully submitted,

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By:



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